

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

In the present application, Claims 34-47 are active. Claims 1-22 were canceled by a previous amendment. The present amendment cancels Claims 23-33, and adds new Claims 34-47 without introducing any new matter.

In the Official Action, Claims 23, 25, 27, and 29-33 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 23, 25, 27, and 29-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 6,873,627, hereinafter “Miller”) in view of Focsaneanu et al. (U.S. Patent No. 5,991,292, hereinafter “Focsaneanu”). Claims 24, 26, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Famolari et al. (U.S. Patent Publication No. 2002/0105926, hereinafter “Famolari”).

First, Applicants wish to thank Examiners Rao and Davenport for the courtesy of an interview granted to Applicants’ representative Nikolaus P. Schibli on June 18, 2008, at which time the pending claims and suggested claim changes were discussed. The Examiners were of the opinion that some of claim language of Claim 23 was not clear, and did not seem to be supported by the disclosure. Applicants’ representative therefore suggested to present new claims that closely follow the features of the original claims and the specification as originally filed in the next response.

Accordingly, in response to the rejection of Claim under 35 U.S.C. § 112, first paragraph, Claims 22-33 are cancelled, and new Claims 33-47 are presented. The features of new Claims 33-47 find non-limiting support in Applicants’ disclosure as originally filed, for example in original Claims 1-21, and further in Applicants’ specification in a non-limiting embodiment in paragraphs [0094]-[0098], and in corresponding Fig. 7.

For example, Applicants' specification explains in a non-limiting example at paragraph [0096] that when the terminal 10 can receive weak radio waves from both networks 50 and 70, the system is configured so that packet communication terminal 30 comes to transmit packets to both network addresses A and B of networks 50 and 70 to terminal 10. Paragraph [0095] similarly describes the operation of terminals 10 and 30 by using only network 50. With respect the features directed to the step of measuring a radio wave intensity, Applicants' Fig. 10 and corresponding paragraph [0105] describe these features.

In response to the rejection of Claims 23, 25, 27, and 29-33 under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly summarizing, Applicants' independent Claim 34 is directed to a packet communication method for packet communication between a first packet communication terminal and a second packet communication terminal. The method includes *inter alia* the steps of: acquiring a network address A and a network address B for the first packet communication terminal from a network A and a network B, respectively, the first packet communication terminal being able to connect to the network A and the network B; notifying the second packet communication terminal about the acquired network address A and the network address B; storing the notified network address A and the network address B of the first packet communication terminal in a second storage located in the second packet communication terminal; measuring a radio wave intensity A of the network A and a radio wave intensity B of the network B at the first packet communication terminal to determine availability of the network A and the network B for the first packet communication terminal, respectively; and generating packets from identical data, and sending the packets from the

second packet communication terminal to the first packet communication terminal by using addresses that are stored in the second storage.

Turning now to the applied references, Miller is directed to a multicast-enabled network, where packets are sent to receivers having a multicast address. (Miller, Abstract, Fig. 3.) The multicast address is an address that is shared by multiple receivers. (Miller, col. 8, ll. 10-15.) Forwarding rules for these packets can be set, to check whether one of the destination addresses have a receiver format that require conversion into a different type of packet. (Miller, Abstract, col. 4, ll. 29-34.) For example, it is possible to convert a multicast address into a unicast address, and vice versa, so as to be able to pass through different network segments that are not multicast enabled. (Miller, col. 5, ll. 12-27.)

However, the cited passages of Miller fail to teach all the features of Applicants' Claim 34. In particular, Miller fails to teach:

acquiring a network address A and a network address B for the first packet communication terminal from a network A and a network B, respectively, the first packet communication terminal being able to connect to the network A and the network B;

notifying the second packet communication terminal about the acquired network address A and the network address B.

(Claim 34, portions omitted, emphasis added.) Miller's system does not acquire a network address A and a network address B for the first packet communication terminal from a network A and a network B, respectively, the first packet communication terminal *being able to connect to the network A and the network B*. As discussed above, Miller can merely convert the format of data packets into different address types, such as multicast, broadcast, and unicast, so that different segments of a network can be passed. (Miller, col. 7, ll. 9-25.)

The reference Focsaneanu, used by the pending Office Action to form a 35 U.S.C. § 103(a) rejection, fails to remedy the deficiencies of Miller, even if we assume that the combination of these two references is proper. (March 27, 2008 Office Action, p. 4, starting at l. 15.) Focsaneanu is directed to telephone services in a multi-service network, where

customer requirements are checked by monitoring traffic at local access. (Focsaneanu, Abstract, col. 4, ll. 46-59.) However, the cited passages of Focsaneanu fail to teach the features of Applicants' Claim 34 directed to steps of acquiring a network address A and a network address B for the first packet communication terminal from a network A and a network B, respectively, the first packet communication terminal being able to connect to the network A and the network B.

Therefore, even if the combination of Miller and Focsaneanu is assumed to be proper, the cited passages of the combination fail to teach every element of Applicants' Claim 34. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

Independent Claims 38, 42, and 45 recite features that are analogous to the features recited in independent Claim 34, but directed to different statutory classes. Accordingly, for the reasons stated above for the patentability of Claim 34, Applicants respectfully submit that the rejections of Claims 38, 42, and 45, and the rejections of all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 34.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 34-47 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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